

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ZINO DAVIDOFF SA,

Plaintiff,

v.

06 Civ. 15332 (RJS)

CVS CORPORATION,

Defendant.

**SUPPLEMENTAL DECLARATION OF JAMES DUGGAN IN SUPPORT OF
PLAINTIFF'S MOTION FOR CONTEMPT SANCTIONS**

I, James Duggan, hereby declare as follows:

1. I am Vice President of Risk Management, Security and Corporate Services at Coty Inc., 2 Park Avenue, New York, New York 10016. My duties include purchasing products that are suspected of infringing trademark, trade dress and copyrights. I submit this supplemental declaration based upon my own personal knowledge in support of the motion by Zino Davidoff SA (“Zino Davidoff”) for contempt sanctions and as a supplement to a declaration, dated January 4, 2008 that I previously submitted in connection with Zino Davidoff’s motion.

2. I participated in the inspection of DAVIDOFF COOL WATER products at the following CVS Corporation (“CVS”) distribution centers on the following dates:

- a. Woonsocket, Rhode Island, January 2, 2007;
- b. Lumberton, New Jersey, January 3, 2007;
- c. Orlando, Florida, January 5, 2007; and
- d. Vero Beach, Florida, January 5 2007.

fragrance products, but I was not given access to, nor allowed to inspect, any other DAVIDOFF products. It is my understanding that CVS has sold and is continuing to sell other DAVIDOFF fragrance products in the DAVIDOFF line in addition to DAVIDOFF COOL WATER, as well as other sizes of DAVIDOFF COOL WATER in addition to the men's EDT 2.5 oz. line.

4. Based upon my review of the inventories prepared by Don Anderson and Kevin Peverill, the investigators who inspected CVS's other distribution centers, it appears that they were also not given access to, nor allowed to inspect, any other DAVIDOFF products, and that the majority of DAVIDOFF COOL WATER products made available were men's EDT 2.5 oz.

5. It is my understanding that the DAVIDOFF fragrance products made available to us for our inspection at nine (9) distribution centers throughout the United States did not include DAVIDOFF products withdrawn from CVS stores. It is my further understanding that CVS only made those withdrawn DAVIDOFF products available on or around Wednesday, May 9, 2007. As set forth in an e-mail sent from Don Anderson, the investigator who inspected the withdrawn products, to me and others dated May 15, 2007 (annexed hereto as Exhibit 1), the only withdrawn DAVIDOFF products CVS made available were men's EDT 2.5 oz. units.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: New York, New York
February 8, 2008



James Duggan

EXHIBIT 1

From: Don Andersen
Sent: Monday, May 14, 2007 1:30 AM
To: Jim_Duggan Pearson, Lisa; guido_baumgartner:
Cc: GrantsIntl; Lick, Chris
Subject: CSI RE: CVS: Zino Davidoff-Fort Wayne, IN

Below is the final count of pieces inspected:

2.5 Mens EDT Davidoff Cool Water

Coded: 6,085

Decoded: 2,275

Counterfeit: 434

Total: 8,794

Report and inspection log to follow

Donald R. Andersen
President/ CEO
CSI, INC.

(O)

(F)

(C)

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REDACTED